

LOVELL STEWART HALEBIAN JACOBSON LLP

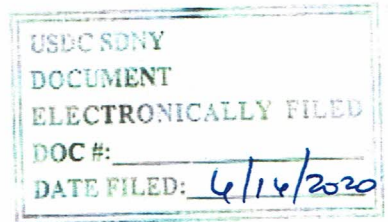
ATTORNEYS AT LAW

500 FIFTH AVENUE, SUITE 2440

NEW YORK, NEW YORK 10110

TELEPHONE (212) 608-1900

www.lshllp.com



MIDTOWN EAST OFFICE

420 LEXINGTON AVENUE, SUITE 2440
NEW YORK, NEW YORK 10170

TELEPHONE (212) 500-5010

FACSIMILE (212) 208-6806

JOHN HALEBIAN

E-MAIL jhalebian@lshllp.com

The Status Conf. scheduled for June 25, 2020 is adjourned until Sept. 24, 2020 at 10:30 am. Pltf's counsel is directed to provide notice of the new hearing date within five (5) days and file proof of such notice. Clerk of the Court requested to terminate the motion (doc. 347).

June 16, 2020 Dated: June 16, 2020
SO ORDERED.

A handwritten signature in blue ink, appearing to read "Nelson S. Román".

Nelson S. Román, U.S.D.J.

BY ECF

The Honorable Nelson S. Román
The Hon. Charles L. Brieant, Jr. Federal Bldg. and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Busher v. Barry, et al., 14 Civ. 4322

Dear Judge Román:

I write on behalf of plaintiffs to request a further adjournment of the hearing, currently scheduled for June 25, 2002, for Winged Foot Holding Corp. shareholders to comment on or object to the proposed voluntary dismissal of the action. Approximately thirty known shareholders were invited to attend in person to participate in the hearing, which was originally scheduled for April 17 but was rescheduled due to the COVID-19 emergency. *See* Letter Order, ECF 346 (Apr. 6, 2020). At present, however, the Court's emergency rules remain in effect and an in-person hearing appears to be impossible. Plaintiffs' counsel continue to believe that the alternative of a dial-in proceeding may present serious management difficulties, because the hearing is unusually open-ended in regard to who may participate and what issues may be raised, and the Court would not have the same ability to manage or control participants who call in to a telephone conference as it would in an ordinary in-person hearing. Recent experience under lockdown suggests that public hearings can be unexpectedly difficult to manage telephonically, as described, for example, in the attached news article, regarding another federal judge who unsuccessfully attempted to hold a similar type of public hearing.

Plaintiffs therefore propose that the Court further adjourn the hearing until a later date when the Court is comfortable holding an in-person hearing in the courtroom, and permit Plaintiffs to send a short letter to the previously noticed shareholders advising them of the adjournment. Defendants were informed of this proposed application last Friday, June 12, 2020. While we had some email communications with defendants regarding the application, they have not yet advised what their position is on this application. We expect that the parties can be available for a telephone conference if the Court would like to discuss this further.

Finally, whatever decision the Court reaches on the application, a letter will still need to be sent to shareholders before June 25, *i.e.*, within the next 5 days or so, in order to advise

MEMO ENDORSED

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Honorable Nelson S. Román

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shareholders either of the hearing's adjournment to another date, or of whatever alternative arrangement will be substituted for the previously noticed in-person hearing. There is therefore some urgency to this application, and plaintiffs respectfully request that the Court resolve it as soon as possible.

Respectfully submitted,

/s/ John Halebian

John Halebian

cc: Maeve L. O'Connor, Counsel to Defendants (by ECF)
S. Gale Dick, Counsel to Nominal Defendant Winged Foot Holding Corp. (by ECF)